

**CITY OF ALBUQUERQUE**  
**PLANNING DEPARTMENT**



**SUMMARY**  
**OF**  
**LAND DEVELOPMENT**  
**PROCEDURES**

---

**ENCOURAGING QUALITY PROJECTS THAT**  
**BENEFIT OUR COMMUNITY**

## TABLE OF CONTENTS

Introduction	1
Land Development: Planning & Zoning	2
One Stop Shop	
Development & Building Services	3
Design/Construction Services	3
Zoning Enforcement	4
Building & Safety	4
Land Development Boards, Commissions and Hearing Officers	
City Council	5
Environmental Planning Commission (EPC)	5
Development Review Board (DRB)	5
Landmarks & Urban Conservation Commission (LUCC)	5
Land Use Hearing Officer (LUHO)	6
Zoning Board of Appeals (BOA)	6
Zoning Hearing Examiner (ZHE)	6
Board of Appeals (decisions of Chief Building Official)	6
How to Annex Property & Establish Zoning	7
How to Request a Zone Change (Zone Map Amendment)	8
How to Request Approval of a Site Development Plan	10
How to Request an Administrative Amendment (AA)	12
How to Request an Administrative Approval	14

How to Determine If A Project Needs a Traffic Impact Study (TIS)	15
How to Request a Water & Sewer Availability Statement	16
How to Request Approval of a Major Subdivision	17
How to Request Approval of a Minor Subdivision	19
How to Request Vacation of an Easement or Right of Way	20
How to Request a Sidewalk Waiver or Deferral or Design Variance	22
How to Request a Special Exception Variance, Conditional Use or Expansion of a Non-Conforming Use	23
How to Request a Verification of Zoning or Declaratory Ruling	25
How to Request Review by Landmarks & Urban Conservation Commission	26
How to Request Building, Wall/Fence or Sign Permits	28
How to Appeal a Decision	30
How to Work with Neighborhoods	31

# INTRODUCTION

Albuquerque has grown tremendously over the past thirty years. During that time, City boundaries have expanded, particularly to the west, southwest and far northeast heights.

Land development within the municipal boundaries of Albuquerque is regulated by the City. City departments most involved in land development are Planning, Municipal Development and Environmental Health. These departments are committed to protecting the health, safety and welfare of the public through land use regulations. Such regulations are intended to preserve neighborhoods, conserve water, move traffic quickly and smoothly and ensure a high level of quality in every development.

The land development process is often as simple as presenting construction drawings to Code Enforcement to obtain the necessary building permits. Examples of building permits include permits for excavating, building structure foundations, installing plumbing, electrical and mechanical elements. Most development projects are simple. Some situations; however, call for greater involvement on the part of the City.

This summary will lead you through the most common City procedures used in land development. It is intended to provide guidance on how to navigate through all the different land development procedures.

Our goal is to make your experience as easy and pleasant as possible. By working together, we can promote quality projects that benefit our community.

## **LAND DEVELOPMENT: PLANNING AND ZONING**

Zoning, dividing a city into districts or zones with a set of rules for each one, is part of the land use planning process. Land use planning creates comprehensive policies linking development to the social and economic well-being of the community. Zoning provides the specific rules & regulations necessary to carry out planning policies.

The most important policy tool for land development in our City is the Albuquerque/Bernalillo County Comprehensive Plan. Any regulations affecting development are based on policies in this document. The City Subdivision Ordinance, Comprehensive Zoning Code and Uniform Building Code are three documents containing development regulations and requirements. The City Development Process Manual (DPM) outlines most of the processes necessary to develop land.

The building codes are available at [www.cabq.gov/planning/planning-regulations-and-policies/building-codes](http://www.cabq.gov/planning/planning-regulations-and-policies/building-codes). The International Building Codes are available online at many of the City libraries. Call 505-768-5141 to see if the library nearest you has the codes. The Albuquerque/Bernalillo County Comprehensive Plan is available at [www.cabq.gov/planning/publications](http://www.cabq.gov/planning/publications). The Subdivision Ordinance and Zoning Code are available online at [www.amlegal.com/albuquerque\\_nm](http://www.amlegal.com/albuquerque_nm).

The following is a summary of the City Departments and Divisions plus the various Boards and Commissions involved in land development.

# **ONE STOP SHOP**

## **Development Services**

**Plaza del Sol, Ground Floor (west side)**

**600 Second Street NW**

**505-924-3895 or 3861**

- Receives applications for annexations.
- Receives applications for zone changes.
- Receives applications for subdivisions and/or plats.
- Receives applications for site development plans.
- Receives applications for vacations of public or private rights-of-way or easements.
- Receives applications for sector development plan amendments.
- Processes requests for water and sewer availability.
- Processes requests for new water and sewer services and water & sewer tapping permits.
- Issues fire hydrant meters for construction.
- Issues right-of-way agreements for roads.
- Reviews traffic operations.
- Reviews applications for zone changes and site development plans to determine need for Traffic Impact Analysis.

## **Design/Construction Services**

**Plaza del Sol, 4th Floor, Suite 400**

**600 Second Street NW**

**505-924-3975**

- Responsible for design review, inspection & acceptance of public infrastructure within City rights of way & easements.
- Processes Subdivision Improvement Agreements (SIA) for public infrastructure.
- Calculates & tracks required financial guarantees.
- Processes project related easements, agreements & covenants.
- Issues work orders for public infrastructure construction.
- Issues public infrastructure encroachment agreements.
- Issues license agreements & revocable permits for public right-of-way.
- Processes & coordinates advertisement for bids for public projects.
- Issues private development construction work orders for public infrastructure & performs oversight inspections.

**Zoning Enforcement**  
**Plaza del Sol Ground Floor (east side)**  
**600 Second Street NW**  
**Zoning 505-924-3849**

- Issues permits.
- Issues statements of zoning and declaratory rulings.
- Enforces the Comprehensive City Zoning Code, Weed and Anti-Litter Ordinance, and related land use ordinances.
- Reviews plan submittals for permits for new construction, additions, and remodels for residential and non-residential properties.
- Reviews plan submittals for permits for signs, walls, and fences.
- Reviews applications for special exceptions: variance, conditional use, and expansion of non-conforming use.
- Reviews applications for community residential programs and emergency shelters.
- Inspects properties & issues certificates of zoning for owners and lenders.
- Issues certificates of zoning for liquor licenses.
- Reviews business registration applications for City Treasury.
- Inspects properties for code compliance for certificates of occupancy.
- Inspects properties for violations.
- Consults with property owners, architects, developers, and builders to assure code compliance.

**Building & Safety**  
**Plaza del Sol, Garden Floor (Basement Level)**  
**600 Second Street NW**  
**Building & Safety 505-924-3304**

- Makes field inspections for building (505-924-3326), plumbing & mechanical (505-924-3309) and electrical (505-924-3311) construction.

## **LAND DEVELOPMENT BOARDS, COMMISSIONS AND HEARING OFFICERS**

### **CITY COUNCIL 505-768-3100**

- Conducts public hearings to review and make decisions on appeals of zone changes, site development plans, and subdivision matters.
- Approves annexations and related zoning, sector development plans, and changes to the text of the Comprehensive Zoning Code and Subdivision Ordinance.

### **ENVIRONMENTAL PLANNING COMMISSION (EPC) EPC Hearing Monitor 505-924-3883**

- Conducts public hearings to review and make decisions on requests for zone changes and site development plan approvals.
- Makes recommendations to City Council on requests for annexation and related zoning, sector plan amendments, and changes to the Comprehensive Zoning Code and Subdivision Ordinance.

### **DEVELOPMENT REVIEW BOARD (DRB) Administrative Assistant 505-924-3946**

- Conducts public hearings and makes decisions on requests for approval of subdivisions (plats), vacations of rights of way and easements, site development plans delegated by EPC or sector development plans, subdivision design variances, and reviews of sector development plans.
- Provides final sign off on site development plans approved by the EPC, as well as sector plans and sector plan amendments approved by City Council.

### **LANDMARKS & URBAN CONSERVATION COMMISSION (LUCC) Administrative Assistant 505-924-3370**

- Conducts public hearings on the City's historic preservation program; reviews National Register of Historic Places nominations; and reviews proposals for building alterations, new construction, and demolition in historic zones and on City Landmark sites.
- Makes City Council recommendations regarding applications for historic overlay zones, urban conservation overlay zones, and City Landmark designations.

**LAND USE HEARING OFFICER (LUHO)**  
**City Council 768-3100**

Hears and makes recommendations to City Council on appeals of Environmental Planning Commission, Landmarks & Urban Conservation Commission, and Development Review Board decisions. The City Council usually makes the final decision based on the LUHO's recommendation, but they can decide to hear the case.

**ZONING BOARD OF APPEALS (BOA)**  
**Board Assistant 505-924-3662**

Reviews and makes decisions on appeals concerning variances, conditional uses, and expansion of non-conforming uses.

**ZONING HEARING EXAMINER (ZHE)**  
**Administrative Assistant 505-924-3894**

Conducts public hearings and makes decisions on requests for variances, conditional uses, and expansion of non-conforming uses of the Zoning Code or Sector Development plans.

**BOARD OF APPEALS (Appealing the decision of the Chief Building Official)**  
**Building Official 505-924-3305**

Hears appeals of orders, decisions, or determinations made by the Chief Building Official relative to the application and interpretation of the technical codes.

**ALBUQUERQUE DEVELOPMENT COMMISSION**  
**Administrative Assistant 505-924-3370**

In conjunction with the Metropolitan Redevelopment Agency, the ADC has the authority to approve the sale of land within a designated Metropolitan Redevelopment Area that is covered by a redevelopment plan.

Serves as an advisory body to the City Council for approval of project plans and inducement resolutions for private purpose bonds.

Reviews economic development strategies submitted by the Office of Economic Development that affect the public benefit.

## HOW TO ANNEX PROPERTY & ESTABLISH ZONING

If your property is located within Bernalillo County but outside of the City limits AND your property abuts the City limits, you may request an annexation and establishment of zoning of your property based on the following criteria, which is contained in Council Resolution 54-1990:

- Property must be adjacent to an existing City boundary.
- Property must be accessible from City streets.
- The City must get enough benefit from the annexation to exceed the cost of providing City services.
- An annexation plat to establish the boundaries may be necessary.
- City zoning must be established at the same time as the annexation.
- Annexation agreement to provide for special considerations when necessary.

### THE PROCESS

- Albuquerque cannot annex County property without the prior permission of the Bernalillo County Board of County Commissioners (BCC). A Notice of Decision from the Board of County Commissioners is required with the application.
- An annexation request must be accompanied simultaneously by a zone map amendment (see page 8 of this document), the process for establishing City zoning on the property. The applications for both annexations and zone map amendments are available at the Development Services Center Front Counter, Ground Level (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Form Z, Development Review Application, Petition for Annexation, and Developer Inquiry Sheet.
- Annexation & accompanying zone change requests are heard by the Environmental Planning Commission (EPC). The EPC forwards its recommendation to the City Council. Annexation and zone changes are approved by the City Council.

It is important to discuss initial annexation plans with City Planning staff. A Pre-application Review Team (PRT) meeting should be scheduled to discuss the annexation. PRTs are held every Tuesday with five 30 minute slots available (PRTs must be set up prior to the actual PRT; as a result, drop-ins are not available). Call 505-924-3955 to schedule a PRT meeting.

## HOW TO REQUEST A ZONE CHANGE (ZONE MAP AMENDMENT)

Each lot located within the municipal boundaries of Albuquerque is zoned. Each zone allows specific land uses. For example, the R-1, Single Family Residential Zone, allows one detached house per lot. In contrast, the C-2, Community Commercial Zone, allows a choice of commercial uses such as a clinic, retail sales, and restaurants with full service liquor. The purpose of zoning is to group compatible land uses together and provide transitions between less compatible uses.

A change in zoning exchanges one zoning classification for another on one or more parcels of land. The Environmental Planning Commission (EPC) is the approval body for the majority of zone change requests.

The deadline for receiving zone change requests is at noon on the last Thursday of each month. The most current EPC application and hearing schedule can be found at <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission>, listed under EPC Application and Hearing schedule. The EPC hearing occurs on the second Thursday of each month. The EPC process (from application deadline to the public hearing) takes approximately six weeks.

Planning staff strongly encourages you to discuss your proposed zone change with them before you submit the application. You can schedule an appointment for a Pre-application Review Team (PRT) meeting by calling 505-924-3955. PRTs are held every Tuesday with five 30 minute slots available (PRTs must be set up prior to the actual PRT; as a result, drop-ins are not available).

If you are considering a change in the existing zoning of your property to accommodate different uses than allowed under current zoning, then you will need to follow the process below:

### THE PROCESS

- The application and supplemental form for a zone change is available at the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. They are also available on the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Development Review Application, Form Z, and Developer Inquiry Sheet.
- Your application must include a written statement justifying the change in zone. The written justification must address policies A-J. For the policies concerning zone changes, see form R-270-1980 - Policies for Zone Map Amendments in the City Comprehensive Zoning Code at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms).

- Prior to applying for a zone change, a determination is needed to see whether a traffic impact study (TIS) is needed. The TIS form is available online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms) (Traffic Impact Study Form). See page 15 of this document for more information about a TIS.
- A zone change also requires notification of all affected recognized neighborhoods. Contact the Office of Neighborhood Coordination (ONC), 5<sup>th</sup> Floor, Plaza del Sol building (505-924-3914) for assistance with this process. The Developer Inquiry Sheet is available on the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). Also, see page 31 of this document to see “How to work with neighborhoods”.
- When these steps have been completed, apply for the zone change at the Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building, 600 2<sup>nd</sup> St. NW. There is a fee for the review & approval. Post the large yellow public notification sign(s) as outlined in the Sign Posting Agreement that is executed with the application submittal.
- Additional materials and information is needed if the zone change requires a site development plan or an amendment to a sector development plan. This is one of the reasons why a Pre-application Review Team (PRT) meeting with planning staff is a good idea.
- Your application and staff analysis of your request is presented at the EPC public hearing on the date assigned to your project (held on the second Thursday of the month). You, or an agent acting on your behalf, will have a chance to present the project on that date. The EPC will decide at the hearing whether to approve, deny, defer, or continue your request.
- Decisions of the EPC are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the EPC decision to file an appeal. See page 30 of this document for “How to Appeal a Decision”.

## HOW TO REQUEST APPROVAL OF A SITE DEVELOPMENT PLAN

Certain zones require approval of a site development plan whether it is by the Environmental Planning Commission (EPC), Development Review Board (DRB) or through the Administrative Approval (AA) process. A site development plan provides details on how you propose to develop your property and is required within certain zone categories. The Definitions Section of the City Comprehensive Zoning Code (see Section 14-16-1-5) provides a description of what details are required in a site development plan.

Examples of zoning requiring a site development plan include zones with an SC (shopping center) designation and SU (Special Use) zoning and some IP (Industrial Park) zoning.

You are strongly encouraged to make an appointment with planning staff for a Pre-application Review Team (PRT) meeting to find out whether a site plan is required. Call 505-924-3955 to set up the appointment. PRTs are held every Tuesday with five 30 minute slots available (PRTs must be set up prior to the actual PRT; as a result, drop-ins are not available).

There are also some sector development plans that require site development plans for specific zoning. Some of these site plans are delegated to the Development Review Board (DRB) for approval. The staff at your pre-application discussion can tell you if a site development plan is required.

If you are proposing development on property for which there is an existing site development plan and your proposal differs from that shown on the site plan, you will need to amend the existing plan. Ask the Planning staff at your Pre-application Review Team (PRT) meeting if the site plan needs to be amended. If so, does it meet the requirements of a minor change(s) or major change(s).

### THE PROCESS

- Pick up an application at the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. It is also available online at the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Development Review Application, and Form P(1), Form P(2) or Form P(3), depending on if the request is for EPC or DRB, and the Developer Inquiry Sheet as well as a site plan checklist.

- A completed application and copies of the required materials should be submitted at the Front Counter of the Plaza del Sol building. You may need the services of an architect, planner, or engineer to develop your plan. There is a fee to submit your application.
- A completed form indicating whether a Traffic Impact Study (TIS) is required as part of your site plan submittal. The TIS form is available online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms) (Traffic Impact Study Form). See page 15 of this document for more information about a TIS.
- A site development plan request also requires notification of all affected recognized neighborhoods. Contact the Office of Neighborhood Coordination (ONC), 5<sup>th</sup> Floor, Plaza del Sol building (505-924-3914) for assistance with this process. The Developer Inquiry Sheet is available on the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). Also, see page 31 of this document to see “How to work with neighborhoods”.
- Your site development plan application and staff analysis of the submittal is presented at the Environmental Planning Commission public hearing. You will have an opportunity to speak at this hearing as will anyone opposed to your project. The EPC will decide to approve, deny, defer, or continue your request.
- If your site development plan is approved by EPC, you then submit it to the Development Review Board (DRB) for final sign-off. Final sign-off refers to signatures placed on the site plan by DRB members who verify that any conditions imposed by EPC as well as other ordinance requirements are shown on the site plan.
- For details on submitting your site development plan to DRB for final sign off, please call 505-924-3895.
- Decisions of the EPC are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the EPC decision to file an appeal. See page 30 of this document for “How to Appeal a Decision”.

## HOW TO REQUEST AN ADMINISTRATIVE AMENDMENT (AA)

The Planning Department is authorized to approve minor changes to approved Site Development Plans pursuant to Section 14-16-2-22(A)(6) (SU-1 Special Use Zone) of the Zoning Code. Changes to approved Site Development Plans are considered “minor” if the following occur:

- If the change is consistent with the use and other written requirements approved by the Environmental Planning Commission (EPC);
- if the buildings are of the same general configuration;
- if the total building square footage is not greater than 10% of the total square footage approved by the EPC;
- if the vehicular circulation is similar in its effect on adjacent property and streets; and
- if the Planning Director finds that neither the city nor any person will be substantially aggrieved by the altered plan.

The first step to request an Administrative Amendment (AA) is to verify that the property falls within the boundary of an approved site development plan. This can be done by checking AGIS for case history and/or case tracking numbers. Next, go to the third floor of the Plaza del Sol building to review any files under those numbers. If a signed off site plan is found, then take a copy to a Pre-Application Review Team Meeting (PRT) to verify that the request can be processed as an AA. Call 505-924-3955 to schedule a PRT meeting. PRTs are held every Tuesday with five 30 minute slots available (PRTs must be set up prior to the actual PRT; as a result, drop-ins are not available).

### THE PROCESS

- The application for an AA is available at the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. It is also available on the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Form P(4) and the Development Review Application. Other forms that are helpful in the AA process and can be found online include the following: Administrative Amendment Information Sheet and the AA Sample Notification Letter. Call 505-924-3861 or 505-924-3895 to get information about the AA application process, or call the Development Facilitator at 505-924-3955 to see if you qualify for an AA.
- There is a fee for the review and approval.

- Upon receipt of a complete application, the request is reviewed by Hydrology, Albuquerque Bernalillo County Water Utility Authority (ABCWUA), and Transportation Planning before final review by Planning. In some cases the amendment involves issues that are strictly planning issues such as building mounted signage, in which case only Planning will review.
- The process takes approximately 20 days.
- You have 15 calendar days from the date of the AA decision to file an appeal. Appeals are made to the City Council through the Land Use Hearing Officer. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. See "How to Appeal a Decision" on page 30 of this document.

## HOW TO REQUEST AN ADMINISTRATIVE APPROVAL

There are some sector development plans that allow for an administrative approval. Some of these plans include the following: Downtown 2025 Sector Development Plan (SDP), East Gateway SDP, North 4<sup>th</sup> Street Rank III Corridor Plan, South Yale SDP, Uptown SDP, Volcano Cliffs SDP, Volcano Heights SDP, and Volcano Trails SDP.

Schedule a Pre-application Review Team (PRT) meeting to find out whether a site plan is required. Call 505-924-3955 to set up the appointment. PRTs are held every Tuesday with five 30 minute slots available (PRTs must be set up prior to the actual PRT; as a result, drop-ins are not available).

### THE PROCESS

- The application for an Administrative Approval is available at the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. It is also available on the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Form P(4) and the Development Review Application. Call 505-924-3895 or 505-924-3861 to get information about the Administrative Approval application process, or call the Development Facilitator at 505-924-3955.
- There is no fee for the request.
- Upon receipt of the application, the request is reviewed by the appropriate body (EPC, DRB, the Planning Director/designee or other, depending on what the development review process is in each individual sector development plan).
- You have 15 calendar days from the date of the decision to file an appeal. Appeals are made to the City Council through the Land Use Hearing Officer. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. See "How to Appeal a Decision" on page 30 of this document.

## **HOW TO DETERMINE IF A PROJECT NEEDS A TRAFFIC IMPACT STUDY (TIS)**

Large developments may have a major impact on the flow of traffic in an area. As a result, the City sometimes requires the developer to implement certain physical improvements to lessen the impact of the development. For example, the City may require additional turn lanes at an intersection adjacent to the proposed development or installation of a traffic signal for safety reasons.

To determine whether a Traffic Impact Study (TIS) is necessary for your project submittal, contact the Transportation Development staff at 505-924-3934 or visit the Development Services Front Counter, Ground Level (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. The TIS form is available online at the City's website at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). (Traffic Impact Study Form)

This determination is needed prior to applying for a zone change or site development approval. It's important to contact a City Traffic Engineer early in your planning process to avoid unnecessary delays in getting your project approved.

If a traffic study is needed, you should hire a private consultant to complete the work. City staff will work with the consultant to determine exactly what information is needed to determine the degree of impact that your project could have on traffic and how to lessen that impact.

## **HOW TO REQUEST A WATER AND SEWER AVAILABILITY STATEMENT**

If you wish to find out whether water and sewer service is available for your project, go to [www.abcwua.org/Availability Statements.aspx](http://www.abcwua.org/Availability%20Statements.aspx), and then click on the Availability Statement Online Request Form. Fill out the online form and consolidate all pertinent documents necessary for the Availability Request into one .pdf file. Call 505-289-3307 for assistance.

## **HOW TO REQUEST APPROVAL OF A MAJOR SUBDIVISION**

A major subdivision creates more than ten lots and/or requires significant infrastructure. A platting action prepared by a NM licensed surveyor is required. The Development Review Board (DRB) is the approval body for platting actions within the municipal boundaries of Albuquerque. The DRB includes Transportation Development, Parks, Albuquerque Bernalillo County Water Utility Authority (ABCWUA), City Engineer/ Hydrology, and Planning representatives.

### **THE PROCESS**

#### **Sketch Plat**

- Submit an application and required checklist items to the Development Services Center Front Counter, Ground Level (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW – forms are available at the Front Counter or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Development Review Application and Form S(3). Sketch plat needs to show how you plan to subdivide the property.
- At the end of each public meeting, the DRB meets with property owners and/or their agents to discuss the feasibility of the proposed subdivision. They also provide information on what additional details are needed for approval. There is a fee for this discussion.

#### **Preliminary Plat**

- After you meet with DRB to discuss your sketch plat and you make any necessary changes or additions, you're ready to submit your preliminary plat application.
- Creating the plat will require the services of a surveyor and a professional engineer hired.
- Major subdivision applications require public notification, which will include a published legal ad, mailings to adjacent property owners, and sign posting. These items will be addressed at the time of application.
- Request for approval of a major subdivision requires notification of all affected recognized neighborhoods prior to application. Contact the Office of Neighborhood Coordination (ONC), 5<sup>th</sup> Floor, Plaza del Sol building, 600 2<sup>nd</sup> St. NW (505-924-3914) for assistance with this process. Also, see page 31 of this document to see “How to work with neighborhoods”.

- Applications for preliminary plat approval are available online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms are: Form S(2), Development Review Application, and Developer Inquiry Sheet. You can also go to the Development Services Center Front Counter, Ground Level (west side), to get the forms.
- Submit the application and required checklist items to the Development Services Center Front Counter Ground Level (west side).
- The DRB will review your plat at a public hearing where anyone interested in your platting action has a chance to speak.
- Decisions of the DRB are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the DRB decision to file an appeal. See page 30 of this document for “How to Appeal a Decision”.
- Following DRB approval of the preliminary plat, the applicant submits to Design Review/Construction Section (DRC) the opinion of probable cost (engineer’s estimate) requiring a financial guarantee amount. The applicant then submits to DRC the Subdivision Improvement Agreement (SIA) with the appropriate financial guarantee certificate. The SIA is then reviewed by DRC staff and City Legal for a recommendation to the City Engineer for approval. Alternatively, the applicant may proceed with construction, inspection and acceptance of required infrastructure. After approval by the City Engineer the applicant can proceed to Final Plat. The DRC is located on the 4<sup>th</sup> Floor (Suite 400), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. Please call 505-924-3975 for information.

## **Final Plat**

- After your preliminary plat is approved by DRB and all preliminary plat requirements are met, submit another application for final plat approval. The required downloadable forms available online are: Form S(3) & Development Review Application at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms) or at the Development Services Front Counter.
- Once your plat is signed by the DRB members, the plat is ready for recording. The Planning Department files plats. Filing fees are required.

## **HOW TO REQUEST APPROVAL OF A MINOR SUBDIVISION**

Dividing a tract of land into ten or fewer parcels without significant infrastructure creates a minor subdivision. The Development Review Board (DRB) must approve minor subdivisions before they are filed with the County Clerk.

### **THE PROCESS**

#### **Sketch Plat**

- Submit an application and six copies of a sketch plat showing how you plan to subdivide the property. Include dimensions of each lot.
- Applications are available at the Development Services Center, Front Counter, Ground Level (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Development Review Application and Form S(3).
- At the end of each public meeting, the DRB meets with property owners and/or their agents to discuss the feasibility of the proposed subdivision. They also provide information on what additional details are needed for approval. There is a fee for this discussion.

#### **Preliminary & Final Plat**

- After you have met with the DRB and received their comments on your sketch plat, you will require the services of a professional surveyor to create the preliminary and final plat.
- The City Surveyor's signature is required on the preliminary and final plats at the time of application. The Development Services Center has a checklist of items required as part of the application. Applications are available at this location or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Development Review Application and Form S(3).
- You or your agent must attend the DRB meeting and bring the original mylar of the final plat for DRB signatures.
- Once the plat is approved, the DRB staff may allow the surveyor to record the plat at the County Clerk's Office. Filing fees will be required.
- Decisions of the DRB are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the DRB decision to file an appeal. Also, see page 30 of this document for "How to Appeal a Decision".

## **HOW TO REQUEST VACATION OF AN EASEMENT OR RIGHT OF WAY**

A vacation is the method by which land (primarily streets and alleys) used to provide access for the movement of people, goods, vehicles and services is closed to those uses. Because vacations require subsequent platting actions, it is common practice to submit a vacation request and a platting request at the same time. This is particularly true for minor platting actions.

### **THE PROCESS**

- The first step is to speak with Planning staff about the feasibility of vacating the easement or public right of way. Call 505-924-3880 or visit the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW.
- If the easement is for the benefit of PNM, CenturyLink, Comcast, AMAFCA or MRGCD, you should contact these agencies for guidance on whether or not they will give permission to vacate the easement in question. You will need their signature on the final plat when the time comes.
- Planning staff can assist you with the feasibility of vacations not involving these outside agencies. Please call 505-289-3301 for water and/or sewer right-of way or easements, 505-924-3991 for roadway access easements or vacations, or 505-924-3695 for drainage easements or right-of-way.
- If it appears the vacation is feasible after these discussions, submit a vacation application to the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol Building, 600 2<sup>nd</sup> St. NW. The applications are available there or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Form V, Development Review Application, and the Developer Inquiry Sheet.
- If you are requesting vacation of a public easement or public right of way, you will be given large yellow signs to post at the site. This sign serves as general public notice of your request with the hearing date noted.
- If you are requesting vacation of public right of way or public easements, you must also notify any recognized neighborhood associations in the area prior to submitting your application. The Office of Neighborhood Coordination (ONC), 5<sup>th</sup> Floor, Plaza del Sol building (505-924-3914), 600 2<sup>nd</sup> St. NW will provide you with assistance with this process. Also, see page 31 of this document to see “How to work with neighborhoods”.
- Once you have received the DRB decision on your vacation request, assuming it was favorable, you must replat the area in question within one year of the vacation approval date. If the new plat is not approved and recorded within one year of the vacation approval date, the vacation approval expires per the City Subdivision Ordinance.

- To approve a vacation request, The DRB must follow these Subdivision Ordinance conditions:
  1. The public welfare is not served by retaining the easement or right of way;  
or
  2. The development made possible by the vacation results in a net benefit to the public welfare that is greater than any detriment caused by the vacation;  
and
  3. There is no convincing evidence that any substantial property right is abridged against the will of the owner of that right.
- Decisions of the DRB are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the DRB decision to file an appeal. Also, see page 30 of this document for “How to Appeal a Decision”.

The City Real Property office handles the sale of City owned property. This includes all public right of way. Call 505-924-3484 for details.

## **HOW TO REQUEST A SIDEWALK WAIVER, DEFERRAL OR DESIGN VARIANCE**

To install a sidewalk which varies in design from Subdivision Ordinance standards, or to delay construction of sidewalks until your building construction is finished, or to not construct a sidewalk at all, an application for Development Review Board (DRB) approval is required. These sidewalk exception requests are heard at a DRB public meeting.

### **THE PROCESS**

- Submit an application form available at the Development Services Center Front Counter, Ground Level (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW, or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Form V and the Development Review Application. Call 505-924-3861 or 505-924-3955 for information. The application checklist tells you what else is needed.
- You must appear at the DRB hearing. You will explain your request and answer any questions from the DRB. A decision on your request is made at the hearing.
- Decisions of the DRB are appealable. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the DRB decision to file an appeal. Also, see page 30 of this document for “How to Appeal a Decision”.

## **HOW TO REQUEST A SPECIAL EXCEPTION VARIANCE, CONDITIONAL USE OR EXPANSION OF A NON-CONFORMING USE**

A special exception variance is a deviation from the literal meaning of a rule in the City Comprehensive Zoning Code. For example, you may want to build an addition to your home. The zoning on your property requires a twenty foot setback in your back yard from the back wall of your home to your property line. If you build the addition, you will have only an 18 foot setback. Because your lot is long and narrow, the only place to build the addition is at the rear of your home. So, you decide to apply for a special exception variance to that setback requirement.

### **The criteria for granting a variance are:**

The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;

There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;

Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and

Substantial justice is done.

**The Criteria for granting a conditional use,** or a land use not “permissive” within the existing zoning of the property, are that the proposed use:

- Will not be injurious to adjacent property, the neighborhood or community
- Will not be significantly damaged by surrounding structures or activities.

### **The criteria for granting the expansion of a nonconforming use are:**

- The expanded use will not significantly interfere with the enjoyment of other land in the vicinity;
- The expanded use will not be significantly damaged by surrounding structures or activities;
- The expanded use is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest;
- The owner will experience unnecessary hardship and in addition will be denied a continued reasonable use of the property if the expansion is not approved;
- The expansion does not exceed 25% of the floor or ground area in nonconforming uses on the site at the time it became nonconforming; and
- The owner covenants that the use of the entire premises will be ceased or made conforming at the time specified by this Zoning Code for termination of the original nonconforming use on the premises.

### **THE PROCESS**

- These requests are heard by the City Zoning Hearing Examiner (ZHE) at a monthly public hearing.
- Fill out an application form which is available at the Building Services Center Front Counter, Ground Level (east side) Plaza del Sol building, 600 2<sup>nd</sup> St. NW or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Zoning Hearing Examiner Application, the ZHE Special Exception Variance and/or the ZHE Special Exception Conditional Use (depending on which forms are needed). There is a fee.
- The ZHE and staff review your application, a date for you to appear at the public hearing is set, and you are notified.
- At the hearing, be prepared to answer any questions the ZHE may ask. The decision is made within 15 days of the hearing. A written notification of the decision is sent to the applicant.
- Decisions of the ZHE are appealable. If your request is denied, you may appeal the ZHE decision to the Zoning Board of Appeals (BOA). The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the DRB decision to file an appeal. Also, see page 30 of this document for “How to Appeal a Decision”.
- If you have questions on any part of this process, please call 505-924-3940 or 505-924-3894.

## **HOW TO REQUEST A VERIFICATION OF ZONING OR DECLARATORY RULING**

### **VERIFICATION OF ZONING**

Requests for verification of the zoning of a property and the allowable uses are requested from the Zoning Enforcement Division, Plaza del Sol building, 5<sup>th</sup> Floor, 600 2<sup>nd</sup> St. NW. The address of the property is required, as well as the legal description for a complete and accurate review. The proposed use of the property is also needed.

Zoning Enforcement can also issue Certifications of Zoning Code Compliance. The property is inspected, records researched, and notice of compliance or required corrections issued. The application forms (Zoning Verification Request and Zonal Certification Application) are available at the Zoning Enforcement Division office at the Building Services Center Front Counter, Ground Level (east side) Plaza del Sol building, 600 2<sup>nd</sup> St. NW or you may request mailing or faxing of the application. They are also available online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are the Zoning Verification Request and the Zonal Certification Application. Be sure to include the address and legal description of the property, as well as a description of the current use of the property. There is a fee. Call 505-924-3452 if you have questions.

A Certificate of Zoning for a liquor license application is required by the State Alcohol & Gaming Division and the City's Hearing Officer. The proposed type of service and/or sales must comply with the allowed uses of the zone. The application for this certification is handled at the Building Services Center Front Counter, Ground Level (east side) Plaza del Sol building, 600 2<sup>nd</sup> St. NW. The application is also available online at <http://www.cabq.gov/planning/our-department/code-enforcement>. The form is listed online as Liquor License Application. There is a fee. Call 505-924-3857 if you have questions.

### **DECLARATORY RULING**

A declaratory ruling is a clarification of how the Zoning Code applies to a proposed development or activity. The ruling is made by the Zoning Enforcement Officer in answer to questions that are not clearly answered by the Zoning Code. An example of a ruling made previously is whether a theater is a retail activity. A theater is actually a service activity.

Prior to making a request for a declaratory ruling, you are urged to speak with staff. Often these discussions answer questions quickly. Call 505-924-3857 for assistance. If your issue is not resolved in discussions with staff, submit a written request to the Zoning Enforcement Office for a declaratory ruling. Describe the proposed use or development and include the zoning issues under question.

## **HOW TO REQUEST REVIEW BY THE LANDMARKS & URBAN CONSERVATION COMMISSION (LUCC)**

### **The LUCC reviews:**

- Building alterations, new construction, or demolition within historic zones or affecting City landmarks.
- Advises City Council on applications for new historic zones, urban conservation overlay zones, and City Landmark designations.
- Nominations to the National Register of Historic Places.
- All matters concerning the Historic Preservation Program.

### **THE PROCESS**

- Meet with LUCC staff planner to discuss your proposal. Staff will assist in determining the type of application to complete and what materials to include with your application. They will give you an application and checklist. Call 505-924-3891 to schedule an appointment.
- Administrative approval is possible for projects that do not require a building permit or simple projects such as porch enclosures, re-roofing, re-stuccoing, small building/site improvements, or new fences/walls.
- Most administrative actions are completed within 10 days after receipt of the request. City staff will issue the decision via a Certificate of Appropriateness with findings and conditions as necessary.
- Applications are available at the Development Services Center, Ground Level, Front Counter (west side) Plaza del Sol, 600 2<sup>nd</sup> St. NW or online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Development Review Application and Form L.
- Submit the completed application at the Development Services Center Front Counter, Ground Floor (west side), Plaza del Sol building, 600 2<sup>nd</sup> St. NW. At this time you are also required to provide proof of notification to affected neighborhood associations. The Office of Neighborhood Coordination, 5<sup>th</sup> Floor, Plaza del Sol building, provides the names and addresses of affected association contacts.
- Your request is heard and a decision is made by LUCC at a public hearing if a public hearing is necessary, and a Notification of Decision is issued within 2 days of the hearing.
- After the 15 calendar day appeal period expires, a Certificate of Appropriateness is issued, assuming the request is approved and no appeals are filed.
- Permits are issued after the 15 day appeal period if no appeals are filed or after the appeal is heard, assuming a favorable decision is reached.

- Decisions of the LUCC are appealable. If your request is denied by the LUCC, you may appeal the decision to the Land Use Hearing Officer (LUHO), who makes a recommendation to City Council. City Council makes the final decision. The Development Services Center Front Counter, Ground Floor (west side) of the Plaza del Sol building accepts appeal applications. You have 15 calendar days from the date of the LUCC decision to file an appeal. Also, see page 30 of this document for “How to Appeal a Decision”.

For work that is already in progress without following this procedure, Zoning issues a stop work order notice until such time as the matter is heard by LUCC.

## **HOW TO REQUEST BUILDING, WALL/FENCE OR SIGN PERMITS**

### **NEW COMMERCIAL CONSTRUCTION**

Building permits are needed to ensure that all structures meet applicable building code requirements and are built and maintained safely. All new construction requires a building permit. Applications for building permits are available at the Building Permit Office, located at Building Services Center Front Counter, Ground Floor (east side) Plaza del Sol building, 600 2<sup>nd</sup> St. NW.

### **THE PROCESS:**

- **PLAN CHECK.** Submit an application, two (2) sets of plans plus 1 extra site plan and landscaping plan. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the technical codes and all relevant laws, ordinances, rules, and regulations. An IBC preliminary plan review may be available by appointment at \$75.00 an hour. All construction plans must be certified by a Registered New Mexico Professional Architect and/or Engineer. Plan Check fees are due at the time of submittal. For Building Code information, call 505- 924-3963 or you can go to our website for more information. <http://www.cabq.gov/planning/our-department/building-safety>
- **BUILDING PERMIT.** When plan review is complete the designee will be notified by phone or email. Please arrange to have a contact person, email, phone, and extension number listed on the application. Comments are available on line at <http://www.cabq.gov/planning/our-department/building-safety> Quick Links [Plan Review Comments](#) or call 505-924-3963. The building permit is issued when approved by each division and permit fees are paid. Note that only the architect, engineer, or authorized representative (in writing) may make changes to the plans before or after the permit is issued. The permit will only be issued to a general contractor (GB-98) licensed in the State of New Mexico, Business is registered with the City of Albuquerque, and provide your New Mexico Gross Receipts tax number. If the Contractor's main office is located out of state, a surety bond verification TS-43 form may need to be signed by the New Mexico Taxation and Revenue Office. If the permit is not issued within six (6) months from the date of submittal, the application will expire.
- **WALL/FENCE PERMIT.** A building permit is required for all walls over six feet in height or retaining 24" or more of dirt, new or existing

additions/changes. Application, site plan, and engineer stamped drawings are required. A small wall permit is required for fences and walls up to six feet in height. Application and site plan are required. Permit is issued when all fees are paid.

- **SIGN PERMIT.** A permit is required for new, freestanding or building-mounted signs. A sign application, site plan, and drawings of sign design are required. Engineered drawings may also be required. Plan check fees are due a time of submittal and permit fees are due at time of issuance. Discussion with Zoning staff is advisable call 505-924-3857.

## HOW TO APPEAL A DECISION

Development and building related decisions made by City staff, appointed boards, and elected officials are appealable.

Appeals of decisions by the Environmental Planning Commission (EPC), the Development Review Board (DRB), and the Landmarks & Urban Conservation Commission (LUCC) are heard by the Land Use Hearing Officer (LUHO) who makes a recommendation to City Council. City Council makes the final decision. Appeals of Zoning Hearing Examiner (ZHE) decisions are heard by the Zoning Board of Appeals (BOA).

Appeals for BOA, EPC, DRB, LUCC, and ZHE are submitted to the Development Services Center Front Counter, Ground Level (west side), Plaza del Sol, 600 2<sup>nd</sup> St. NW. Appeal applications are available at the same location and online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The required downloadable forms available online are: Form A and Development Review Application.

A Board of Appeals hears appeals of decisions made by the Chief Building Official. A written request for a hearing is submitted to the Chief Building Official, Building Safety Division, Basement Level, Plaza del Sol, 600 2<sup>nd</sup> St. NW.

Decisions made by the City Engineer concerning the City Drainage Ordinance are appealed to the Technical Standards Committee. The written appeal is delivered to the City Engineer within thirty days of the decision date. The appeal is heard within thirty days of the appeal filing date.

## HOW TO WORK WITH NEIGHBORHOODS

Applicants for annexations, zone changes, site plan approvals or amendments, sector development plan approvals or amendments, major subdivision actions, and some vacation requests by the EPC or DRB are required under Council Bill 0-92 to notify all affected, recognized neighborhood associations by certified mail.

Section 14-1-2-1 – “Neighborhood Association Recognition Ordinance” in the Section 14-8-2-7 – Responsibilities of Applicants and Developers - Applicants for approval of amendments of the zone map, site development plans (except houses and accessory buildings), major subdivisions, vacations of public right-of-way, mapping historic districts, landmarking sites and issuance or transfer of liquor licenses shall prior to filing the application make a reasonable attempt to give written notification of their proposal to any recognized and non-recognized neighborhood or homeowner association which covers, abuts or is across public right of way from the subject site. Certified letters, return receipt requested, mailed to the two designated association representatives on file at the City Office of Neighborhood Coordination constitutes a reasonable attempt to notify an association.

**Important Note:** Prior to submitting the application to the Planning Department, contact the Office of Neighborhood Coordination (ONC) at 505-924-3914, or fax to 505-924-3847, or email to: [ONC@cabq.gov](mailto:ONC@cabq.gov), [dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov), or [saramancini@cabq.gov](mailto:saramancini@cabq.gov) your request for neighborhood and/or homeowner association contact names, addresses, and phone numbers. You must fill out a Developer Inquiry Sheet and provide a copy of the zone atlas map showing where property is located (hatched, marked, etc.), the property's legal description, and your name, company name, address, phone numbers. The Developer Inquiry Sheet must be filled out by the agent and/or applicant prior to contacting neighborhood and/or homeowner associations. You can obtain a copy of the Developer Inquiry Sheet online at [www.cabq.gov/planning/online-forms](http://www.cabq.gov/planning/online-forms). The Office of Neighborhood Coordination is on the 5<sup>th</sup> Floor, Plaza del Sol building, 600 2<sup>nd</sup> St. NW.

We recommend that your notification letter include the following information:

- The street address of the subject property.
- The legal description of the property, including lot or tract number (if any), block number, and name of the subdivision.
- A physical description of the location, referenced to the streets and existing land uses.

- Copy of site plans or drawings that will give the association some idea of what your project is proposing at the subject site.
- A complete description of the action requested of the EPC or DRB. Be sure the description includes the action which triggered the notification requirement.
- The name, address, and phone number of the applicant or agent who will help the neighborhood association with answers to questions and concerns.

Generally speaking, the earlier neighborhoods are informed, the smoother the approval process goes.